



MEMORANDUM

Agenda Item No. 11(A)(12)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 24, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution directing County Mayor to waive fees for electors seeking to review their own absentee ballots; to provide information or direction to electors who have been the victim of improper or criminal activity with regards to their absentee ballots to allow them to legally cast a vote and report any criminal activities to the appropriate authorities; and requiring a report to the Board within sixty (60) days

This item was amended at the Internal Management and Fiscal Responsibility Committee to clarify the activities the resolution intends to address.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

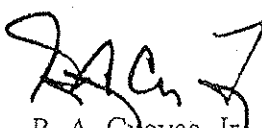


MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

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County Attorney

SUBJECT: Agenda Item No. 11(A) (12)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(12)

1-24-12

RESOLUTION NO. _____

RESOLUTION DIRECTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO WAIVE FEES FOR ELECTORS SEEKING TO REVIEW THEIR OWN ABSENTEE BALLOTS; TO PROVIDE INFORMATION OR DIRECTION TO ELECTORS WHO HAVE BEEN THE VICTIM OF IMPROPER OR CRIMINAL ACTIVITY WITH REGARDS TO THEIR ABSENTEE BALLOTS TO ALLOW THEM TO LEGALLY CAST A VOTE AND REPORT ANY CRIMINAL ACTIVITIES TO THE APPROPRIATE AUTHORITIES; AND REQUIRING A REPORT TO THE BOARD WITHIN SIXTY (60) DAYS

WHEREAS, the right to vote is fundamental to democratic government; and

WHEREAS, confidence by the electorate that each vote will be counted and any ballots cast, including absentee ballots, will not be altered or stolen is essential to ensure that the right to vote is maintained; and

WHEREAS, electors who have made requests to the Miami-Dade County Department of Elections to review their own absentee ballot envelopes have >>either<<¹ been charged fees >>or have been threatened to be charged fees after fifteen (15) minutes<< in accordance with Chapter 119 of the Florida Statutes (the "Public Records Law"); and

WHEREAS, the imposition of fees >>or the threat to impose fees<< in accordance with the Public Records Law to individuals requesting to review their own absentee ballot envelopes acts to discourage voters from investigating improper or criminal activity regarding their absentee ballots and reporting such activities to the appropriate authorities; and

¹ Committee amendments are indicated as follows: words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< constitute the amendment proposed.

WHEREAS, the Board of County Commissioners desires to encourage electors to investigate and pursue cases of improper or illegal activities regarding their absentee ballots and enable the electors to easily pursue such claims,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the County Mayor or County Mayor's designee to waive any fees established pursuant to the Public Records Law or any other similar fee for electors seeking to review their own absentee ballot. This Board further directs the County Mayor or County Mayor's designee to take all reasonable steps to provide information or direction to electors who have been the victim of improper or criminal activity with regards to their absentee ballots to allow them to legally cast a vote>> if possible<< and report any criminal activities to the appropriate authorities for further investigation and potential prosecution. The County Mayor or County Mayor's designee shall report all steps taken to implement this resolution to the Board of County Commissioners within sixty (60) days of the effective date of this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner _____, who moved its adoption.

The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of January, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Oren Rosenthal

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